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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/895,557

06/29/2001

Andrew V. Anderson

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12/14/2007

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

12/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/895,557

Applicant(s)

ANDERSON ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1> This action is in response to Applicant's request for continuing examination, filed 9.25.2007. Claims 1, 11, 21, 27, and 31 have been amended. Claims 1-33 and 36-39 are presented for further examination.

2> This is a non-final rejection.

#### *Continued Examination Under 37 CFR 1.114*

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9.25.2007 has been entered.

#### *Response to Arguments*

4> Applicant's arguments with respect to claims 1-33 and 36-39 as to the geographic coverage and network limitation features have been considered but are moot in view of the new ground(s) of rejection.

5> Applicant additionally maintains the distinction between the claimed limitations and the Horvitz reference. Specifically, Applicant argues that Horvitz fails to disclose a digital assistant that responds to an originator of an event to resolve the event in lieu of the user.

Applicant argues that Horvitz merely teaches an agent with an auto-reply feature but the agent does not “resolve” the event. However, as discussed in previous Office actions, this argument is not found persuasive because Horvitz’s auto-reply feature is interpreted as the actual resolution of the event. Applicant’s claims recite in part “responding to an originator of the event to resolve the event in lieu of the user.” The act of responding to the originator is interpreted as the resolution of the event.

Applicant should amend the claims to more clearly recite what is meant by “resolving” the event. For example, if there are additional actions to be taken after responding to the originator, and these actions operate to resolve the event, then the claims should be amended accordingly. However, as the claims are written, Horvitz still teaches the claimed limitation.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Only those claims that have been amended by Applicant are formally addressed in this action. For those claims not formally addressed, the rejections of these claims are not altered from what was set forth in previous actions. Therefore, the substance of those

rejections for claims not formally addressed in this action can be found in prior Office actions, see 12.5.2005, 5.23.2006 & 11.17.2006.

7> Claims 1, 3-6, 10, 11, 13-16, 20-25, 27-29, 31-32, 36 and 38 are rejected under 35 U.S.C § 103(a) as being unpatentable over Horvitz et al, U.S Patent Publication No. 2003|0046421 ["Horvitz"], in further view of Horvitz, U.S Patent Publication No. 2002|0087649 ["Horvitz '649"]].

8> It is noted that the instant application has a filing date of June 29, 2001 and is a continuation-in-part of application of 09/865,919 ["'919 application"], which has a filing date of May 24, 2001. Horvitz '649 has a filing date of June 14, 2001 and is relied upon to teach the newly amended limitations of calculating geographic coverage and network limitations. These features which are described in the instant application's specification are not described or even mentioned in Applicant's '919 application. Thus, these features are not entitled to the May priority date and Horvitz '649 is prior art at least to these features.

9> Regarding claims 1, 11, 21, 27, and 31-32, Horvitz discloses a method, a computer readable medium comprising instruction and a digital assistant, e.g., computing device ("system", hereinafter), comprising, steps, means and executable instructions for:

providing a digital assistant having an event detector and an agent selector [Figure 3 | 0075, 0076];

receiving by the event detector the information of an event from an information provider [Figure 1 | Fig. 27 where : Horvitz's message controls receives information that a message has arrived for user (event)];

determining by the event detector the level of importance of the event relative to a user of the digital assistant [0009, 0011, 0014-15, 0065, 0076, 0113 where : each arriving message is given a priority (level of importance)];

weighing by the agent selector the level of importance of contacting the user of the digital assistant against an amount of intrusion to the user if the digital assistant takes an action to resolve the event itself, wherein the level of importance of the event and the intrusion to the user is determined by rules specified by user preferences in profile information defined by the user [Figures 8-26 | 0108, 0275 | 0011, 0015, 0068 : see response to arguments above];

handling by the digital assistant the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, the handling including the digital assistant responding to an originator of the event to resolve the event in lieu of the user [Fig. 23-26 | 0017, 0074-75, 0083, 0108, 0275 where : user is not contacted if the message priority is not high enough to disturb the user (if he is in a critical, or more important, meeting). See also response above. The event (email from sender) is resolved (auto-reply with user's status to the sender) in the response to the sender];

the agent selector searching the user preferences in profile information for an indication of a preferred mechanism to contact the user in order for the user to resolve the event if the level of importance is greater than the second threshold [0083, 0107]; and

contacting by the digital assistant the user in order for the user to resolve the event if the level of importance is greater than the second threshold [0075, 0076, 0103 where : if the message has a high enough priority, the assistant automatically forwards it to the user through his devices so he can immediately read ("resolve") the message].

Horvitz fails to expressly disclose the agent selector calculating geographic coverage and network limitations for determining a preferred mechanism to contact the user.

However, such a feature was well known in the art at the time of Applicant's invention.

Horvitz '649 discloses calculating geographic coverage and network limitations for determining a preferred mechanism to contact the user [0339 : where Horvitz '649 discloses looking at certain contextual attributes such as a user's location and whether the location receives intermittent coverage to determine whether to contact the user].

It would have been obvious to one of ordinary skill in the art to have modified Horvitz with Horvitz '649's teachings of using geographic coverage and network limitations such as transmission reliability to determine how to contact a user. Such a feature improves Horvitz's notification system because it provides additional reliability that the notification will be received by the user.

10> Claims 2, 12, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz in view of Horvitz '649, in further view of what was well known in the art.

11> Claims 7, 17, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz in view of Horvitz '649, in further view of Fisher et al (US. 5,835,896).

12> Claims 8-9, 18-19 and 33 are rejected under 35 U.S.C § 103(a) as being unpatentable over Horvitz in view of Horvitz '649.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

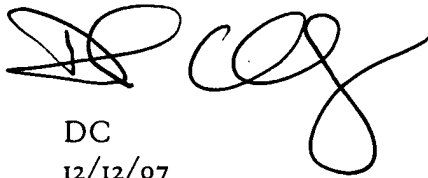
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned above the printed text "DC 12/12/07".

DC  
12/12/07